

The Hillsborough Recorder

J. D. CAMERON, EDITOR AND PROPRIETOR.

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For the Recorder.

May I ask space in your Journal for a somewhat fuller discussion of the *Convention Question*, thus far as I know, it has yet received? I regard it as the question of the hour—as the question of question. Upon its decision in my judgment, more than any, than all others, depend the future welfare of us of our good old State. It is an admitted principle of political science that no people can reach any high stage of progress, whose institutions are not in union with their genius and tendencies. All history testifies that the civil governments which have had society at different periods, have sprung out of the efforts of their people to conform their institutions to their then state of advancement.

In this is to be found the germ of every revolution. And when the tide of feeling stops short of open violence in the effort to redress, the popular mind becomes sore; it broods suddenly over public wrongs; all sense of attachment to the State is lost; and the general discontent finds vent in emigration from the State. The young and energetic particularly will not stay where great political evils exist, the removal of which is hopeless. In such country enterprise has no corner; industry is unmoved. In such a condition of things, it is the highest impulse of duty to go away, and seek some better land.

The recognition of this principle is now universal. The great problem of political science, is in our day, to adjust the institutions to the people. This principle admits a doctrine like that has mentioned, is not only not good, but is a positive curse. As to the other point, changing the present Government is built up in defiance of that cardinal principle; it has multiplied offices & emoluments beyond all need, and to the gross oppression of our people, while our people have lost two-thirds of their property in kind and value, their burdens have been increased, magnified.

6th. The old Constitution secured an impartial administration of justice—free from bias, prejudice and partial personal feeling by alternation of judicial circuits. The new Constitution confuses the Judge to one circuit; they greatly multiplying the difficulties of an impartial administration of justice, if the Judge be a good man; giving the tallest scope to his feelings, passions, and prejudices if he be a bad man. Moreover, if the Judge be incompetent, it stops the wheels of justice in one district, for a whole term of eight years. This system has made the judicial tribunal, in certain parts of our State, the butt of popular ridicule and contempt.

7th. The highest of all human rights are the rights of citizenship. They were accordingly guarded by the old Constitution with jealous care. No man with the intent of crime upon him, was allowed to exercise that sacred right.

The new Constitution breaks down all distinction between man and man upon this point. It gives the same power over the State to a convicted felon, that it gives to the most virtuous citizen; that is, the same power to him who is seeking to destroy, as to him who is seeking to preserve and build up the State. Is not this provision a commentary upon the character of the men who framed this Constitution? Is it not a declaration that their own fate was involved if any rule of exclusion was adopted?

8th. The rights and duties of a citizen are reciprocal. The exercise of rights should be contingent upon the performance of duties. No man should be admitted to suffrage till his dues to the State are paid; until his tax receipt is exhibited. Nothing would impair such value and dignity in the right of suffrage.

The present Constitution gives to the man who contributes nothing to the State the title, the birthright, the worthlessness—the same control over its resources, th at it gives to the most careful, prudent and conscientious of its citizens. In the two particular last mentioned, the framers of this Constitution virtually declare that if laying the foundations of a Commonwealth, integrity and honor should command no peculiar respect, while industry, prudence and thrift are of no account in the courtesy which has opened your columns to me, I must confine myself within narrow limits. I will content myself and therefore with presenting some of the points on this head along with some of the more prominent points respecting other parts of the constitution in the briefest terms. To show the spirit of the respective constitutions I arrange the points in the sharpest contrast.

1st. The first point is the tenure and power of the executive. Our fathers confined this—the Monarchical feature of the Government within the narrowest sphere, and enforce its responsibility by short terms.

The present Constitution has doubled the term of office and greatly enlarged the powers of the executive. The power of appointment vested in the executive makes it a controlling power in the government, and under the decisions of our Supreme Court, a constantly expanding one.

2d. The old Constitution gave full prominence to the popular branch of the government—to wit—the Legislature. Its appointments made by the executive were provisional; they endured until the next legislature and were then filled by the representatives of the people.

The present Constitution subordinates the popular branch to the Executive; the Executive appoints hold until the next election. An appointment by the Governor is thus, *pro tempore*, transferred to one man; a step towards that centralism now so much, and so justly dreaded. This exaltation of the one man power is utterly opposed to the traditions and instincts of our people. The history of the State from the beginning, is a protest against it.

3d. Under our old Constitution and the forms of government instituted under it, the Executive recognized the majesty of

the Governor of North Carolina may be said to possess no political power. He has no share in the making of laws, he has no voice in the appointment of officers. His power is limited to granting reprieves and pardons. It is well for the State that it should be so. Executive patronage, find it where you will, is always an evil.

In a Government whose operations (as in this State) are confined to the internal concerns of its people, such influence and patronage are unnecessary and therefore gratuitous evils.—*Judge Garrison of Conventions*.

has, in fact, state of things been authoritatively pronounced. There is nothing left to argue.

But admitting the defective character of the objections to the present constitution, and that too, when the powers with which the Executive is clothed for the common good, are turned to the destruction of the liberties of the people. The doctrine that the judiciary is exhausted, just at the point when the powers of the executive are directed against the ends of the State, introduced from the new Constitution and is enough of itself to condemn.

8th. The old Constitution secured what was the prime object of our ancestors, to wit, a good and cheap Government.

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As to the other point, changing the present Government is built up in defiance of that cardinal principle; it has multiplied offices & emoluments beyond all need, and to the gross oppression of our people, while our people have lost two-thirds of their property in kind and value, their burdens have been increased, magnified.

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I have thus touched some of the most salient points. I hoped when I sat down to observe upon many others; but I fear to trespass on your patience and therefore pass on.

It will be observed that all that I have said is grounded upon the validity of the constitutional amendments recently made by the Supreme Court, as it is now said they will be then the old questions of the State debt, "Census," Annual Legislature &c. which we hoped had been disposed of, look again to view in all their dread, importunity, and strengthen the considerations here submitted with irresistible force. There is then no room for argument. The decision of the people in favor of Constitutional Amendment

sentiment of 1829-30 and high interest in our Convention of 35. In no other may the people have done among our best men. A convention is the only method of amending our constitution that is perfectly consonant with the spirit of our institutions.

It can deal with all our grievances and deal with them at once. It will end with them under a sense of obligation and responsibility which a Legislature never feels.

The method of Amendment by Legislature is subject in my judgment to the very gravest way, to unanswerable objections. It is born, I know, of honest motives. It is drawn from our old Constitution, into which it was inserted by the Convention of 35. But to those who know the circumstances under which it was adopted, it seems to me that it need vindication only with regard to the manner in which it comes.

It was not in the Constitution of 35 as it was inserted into the Constitution of 1776 against the views of its ablest statesmen. It would not have been proposed at all, but for the opposing attitude of the East and West on one question.

That question through the changes brought about by the war, has passed away forever. Is there any thing in its principle to recommend it to adoption and use? As I said, the objections to the principle seem to me to be invincible.

12th. This method is too slow and cumbersome when the necessity for a change in the Constitution is pressing. It requires the co-operation of the Executive, the Legislature and the people. First, action by the Legislature; then by the Executive; then by the Legislature again, and lastly by the people. It thus requires years to consummate one reform. If there be any merit in the principle it can only apply in case when delay is of no vital consequence.

13th. It complicates questions of organic law, with mere matters of ordinary legislation; neither would there receive that calm and deliberate attention which questions of the former character imperiously demand; if they did, it could be only by such a prolongation of the session, as would make it equal in duration to the session of the Legislature, and of a Convention combined. There would therefore be no saving of either time or expense.

14th. It subjects every question—at least so far as regards the manner of adoption—to the jurisdiction of the Supreme Court. The Supreme Court thus practically decides whether an amendment shall operate or not.

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WEDNESDAY.....NOV. 11. 1874.

On the first page will be found an article on the Convention to which we earnestly invite the attention of our readers. It is from the pen of a gentleman whose modesty shuns publicity, but whose opinions, as a distinguished member of the bar, an able and useful representative of his country in the Legislature, and an active and trusted champion of Conservative principles, are entitled to weight and consideration. The crowded state of our columns forbids any further reference to the article now, but we believe it will be a powerful adjunct to the cause which is now becoming of such absorbing interest.

HON. W. A. GRAHAM ON CONVENTION

The many engagements of this gentleman had his somewhat enfeebled health have suspended the expected communication from him in reply to the queries of the editors of the *Wilmington Journal*. But he has expressed his sentiments, here, at home, unreservedly and strongly. He has spoken among a constituency whose confidence he has held undivided for half a century, to a people he has never misled. He speaks in the maturity of his powers and the ripeness of his experience, and his counsel should have weight not only with the people of Orange among whom he lives, but with those of the whole State whose honorable burdens it has been his fortune so long, so often and so ably to bear.

At the meeting of the citizens of Orange held in the Court House in Hillsboro on the 3rd inst. during the absence of the Committee to report resolutions, he was called upon to express his views on the subject of the Constitution, and a Convention. Without undertaking to make a literal report of the speech, we lay before our readers some of its more prominent points, in order that they, may see that's gentleness of Gov. Graham's wisdom recognizes the urgent need of the reformation of the organic law of the State, and one of his abundant caution and prudence sees nothing hazardous to the party that proposes it.

After a reference to the condition of his health, which had prevented all premeditation in his remarks, he proceeded to comment upon the nature and the importance of Constitutions, and the necessity of frequently bringing them to the consideration of the people. The people ought to have this opportunity once in a while. They are fully capable of passing judgment upon Constitutional laws. They are reasonable, and have far more capacity to judge correctly than many of those speakers and writers who assume to speak for them, and will form a correct verdict at the end of a campaign, comprehending readily amendments in the fundamental law.

Have we a Constitution that suits us? How did we get it? The Constitution of '76 lasted until '35; the changes in that endured until '64. The people rejected the Constitution submitted under authority of President Johnson, preferring their own. The Government then called a Convention requiring negroes to be voters, and prescribing largely among the whites. For this Convention, every class of men presented themselves as candidates. The Convention was a disgrace. The Constitution was signed amidst the wildest orgies. Thirty days were given to the people to decide on it. It was not published until half that time expired.

It was then regarded as a mere provision for adoption. It did not suit us. It had no much application to the people of Illinois as to us. Reverence to Constitutions is due to the weight of personal character of their framers. There is nothing to command respect in the framers of this.

The Constitution was accepted but it was not above criticism. It got the expected colored vote. It got the votes of many who wanted peace, and would open the way to reconciliation. Even those who framed it, thought it only temporary. They said "Take it now, try it, and if it don't suit, amend." Seven years have passed. Why can't we amend by our own people? We are not in hostility to the Government. There is nothing to forbid.

Who will compose the Convention? Our own men, men who live among us, men who will not runaway. The Constitution may be submitted to the people. They can reject, if they wish.

There were provisions in the Constitution insulting and degrading to the sovereignty of the State, purposely placed there. Why make an effort to support the Constitution and laws of the State, the Constitution and laws of the U. S. a prerequisite for voting. Who can possibly know all these laws?

This Constitution exists. The Executive and Judicial departments beyond all reason, while it degrades the Legislature, the direct representative of the people. Instead of leaving discretionary powers to the

hands of the Legislature, it provides a system of its own by which the legitimate law making body is interfered with and restrained. For instance, it limits changes in the number of Judges of the courts. That should be left to the Legislature. The Constitution should not limit, define, or restrain.

Instead of binding out children as under the old system, this Constitution establishes charitable institutions, and prescribes and compels provision for idiots and imbeciles. These provisions ought all to be expunged, and the State government be made more simple and more economical.

It exalted the Governor, and made him an officer of overshadowing importance. His is now a vast power. He appoints all officers, and fills all vacancies, without advice of counsel. William Hooper was asked when he returned from the Convention of '76, what powers they had given the Governor? "To sign his receipt for his salary" was the reply. Gov. Graham would return to the old methods of appointment by the General Assembly, and would restrict the powers of the Governor.

Many other objectionable features might be referred to, but he would pass them by now for want of time. He would pass on to the consideration of the subject of calling a Convention at the next session of the Legislature. There was no danger in a Convention. It all depended upon who the people sent, and heretofore they have always, when they had their free choice, sent the right sort of men. He thought, there was no danger of committing the responsibility to men who would abuse their trust. As to the loss of party ascendancy, so much dreaded and dwelt upon by many, if the party is right, the question will strengthen it. Its work must go before the people. They will understand it, and if they approve, will ratify it.

Much was said of the loss to the party by its call for a Convention in '71. That was visionary. It has never lost the Legislature since. In that election on Convention the question arose, whether the Legislature had a right to call a Convention. The Judges did not think it a lawful mode, and their opinion crippled the vote, yet the Convention vote was little less than that for Shipp, a vote which had redeemed the State, and the Merrimon vote was many thousands larger. The Convention question had not therefore hurt the party.

As to the question not having been urged and that the civil rights question was the contested point in the campaign, that was idle. That was something the Legislature had nothing to do with. That was for Congress. If that was all, the Legislature had better adjourn at once and go home. But he thought, the campaign embraced all that looked to the welfare of the people. It then became the duty of the Legislature to examine the whole charge committed to them, to set according to the best lights they could obtain, and then leave it to the people to judge regardless of considerations of party ascendancy.

New Jersey—The Democrats have 11 majority on joint ballot, securing a Senator. Congressional delegation, five Democrats, two Republicans.

New York—The Democrats have a majority on joint ballot, securing a Senator. Pennsylvania—The Democrats have a majority of one on joint ballot, securing a Senator. Congressional delegation, Democrats 16, Republicans 11.

Michigan—The Governorship is doubtful. The Mackay fusion and Smalls, colored, are elected to Congress.

Virginia—There is a full Conservative and Democratic delegation, except Stowell in the fourth district.

Wisconsin—The Republicans have a joint ballot, which may give us Carpenter again. The Democrats have two and claim another Congressman. Republican majority in the State 6,000.

Delaware—The Radical spirit finds incarnation in only one State Senator who holds over.

Washington, November 3rd.—The Democratic majority in the House will be fifty-four.

New York. November 3.—A special to the *Times*, from New Orleans, says that the evidence accumulates of the deliberate purpose of the Kellogg party to count in their candidates by means of the returning board. This discovery has created great excitement, and if the plan is carried out disturbances are feared.

Washington, November 3rd.—Both McClure and Randall have telegraphed the Democrats that they have undoubtedly carried the State of Pennsylvania and the Legislature.

Kansas City, November 3rd.—The Regal Legislature ticket is undoubtedly elected.

Grodin, Reformer, has carried the 3d Congressional district.

The Republican Governor has been elected.

New York, November 3rd.—The *Times* list of Congressmen elected in this State gives the Democrats the 1st, 2nd, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th, 12th, 13th, 14th, 15th, 23d and 29th, Districts.

Republicans the 16th, 17th, 18th, 19th, 20th, 21st, 22d, 24th, 25th, 26th, 27th, 28th, 30th, 31st, 32nd, and 33rd Districts. In the third an Independent candidate is chosen. The *Times* also gives seventy-two Democratic and fifty-six Republican Assemblies, which gives the Democrats 8 majority on joint ballot.

The following Democratic Governors are elected: Houston in Alabama by 10,000 majority, Cochrane in Delaware by 1,630 majority, Gaston in Massachusetts by 7,000 majority, Hardin in Missouri by 20,000 majority, Beale in New Jersey by 12,000 majority, Tilden in New York by 40,000 majority, Porter in Tennessee by 30,000 majority. Michigan is claimed by both parties, while Osborne in Kansas, and Chamberlain, Reps. doubtless are elected by small majorities.

A perfect phrensy of delight possesses the whole land at the defeat of Ben Butler. Bold effrontery and shameless rapacity through him have received a deadly rebuke.

The Radical majority in the next Senate of the United States will be reduced to 8, possibly 5!

ELECTION NEWS.

VICTORY EVERYWHERE.

The North, the South, the East and the West rewarded!

THE BANNER OF RADICALISM TRUMPS IN THE DUST!

CONSERVATIVE DEMOCRACY IN THE ASCENDANT!

Our rooster is dead! He has cried himself wide open! We can't take his place. We just at the idea of the expenditure of breath required to express our gratification. The radical party will consider itself whipped. We won't brag any more. Just see the result:

WASHINGTON. November 3.—Condensations of the people's saying:

Alabama—Six to ten thousand majority for the Democratic State ticket; certainly five, possibly seven Democratic Congressmen and a Democratic Legislature.

Arizona Territory—Stevens, Democrat, elected delegate to Congress.

Arkansas—A clean Democratic delegation to Congress.

Florida—Full Republican Congressional delegation.

Georgia—Clean Democratic Congressional delegation.

Illinois—Indications of the election of the Republican ticket by a decreased majority. Previous dispatches regarding the Congressional delegation is confirmed.

Doubtful districts still doubtful. The count by Congressional districts give the Democrats from twelve to fifteen majority on the popular vote.

Kansas—The Republican State ticket has five thousand majority against thirty-two thousand two years ago.

Kentucky—A clean Congressional Democratic delegation.

Maryland—A clean Congressional Democratic delegation.

Massachusetts—Democrats carry the Governor by seven thousand majority.

The Republicans elect the balance of the State ticket. She sends three Democrats and one Independent to Congress. The Legislature is strongly anti-prohibition.

Michigan—The Democrats have a large representation, possibly a majority on joint ballot. The Congressional delegation will probably stand five Republicans and four Democrats. Both participating the Governor.

Minnesota—The returns from remote parts is more favorable to the Republicans.

Missouri—The ticket is very long.

Nevada—Brady, Democrat, has been re-elected Governor. Shoran, Republican, will probably come to the Senate on account of State Senators holding over.

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The opposition majority in the next Congress will be 77 and 17 still to be chosen. The reign of the Slaveholders and the Master's is over.

John Gould of the Norfolk District was beaten by Platt by 300. Last election, Platt's majority in the District was 3000.

Hon. Bat. Moore, and Hon. John Moore are out in letters advocating the call of a Convention. Hon. J. J. Davis opposed to the call.

EUPALIA, Ala., Nov.—The disturbance was quite singular. Six whites were wounded, one of them, William Keith, mortally. Three negroes were killed outright, and as far as heard from, seventy-four were wounded—ten or fifteen of the number mortally. Since the fight five have died, and three or four more will die during the night. The difficulty grew out of the abuse of a negro who had voted the democratic ticket, by several radical negroes chief among whom was one very bad negro named Miles Long. Several white gentlemen rushed up when they saw the negro being abused, and when received several blows they ran in and ordered the mob to disperse. Miles Long offered to draw a pistol upon one of the white men, when he was told not to draw a weapon or he would be killed. With an oath against the whites, daring them to come on, he drew his pistol and fired. In an instant a general fire from both whites and blacks commenced, which the latter stood for a second or two, and then gave way in one of the wildest stampedes ever witnessed in our streets. The negroes came in from the country armed with pistols, heavy clubs, wheel spokes, &c., and were very aggressive upon those of their color who voted the democratic ticket.

President Grant has not yet made up his mind to decline the 3d term. He has not heard the thunder.

MARKETS.

DANVILLE, Va., Nov. 7th.

Reported by S. H. Holland & Co. Receipts light and market very active.

Lags, Very common 3.00 to 6.00

" Good " 8.00 to 10.00

" common bright 15.00 to 20.00

" fancy Smokers 20.00 to 30.00

Leaf, common red 12.00 to 15.00

" good 15.00 to 18.00

Wrappers, Medium 40.00 to 50.00

" Fine 50.00 to 60.00

" Extra 80.00 to 120.00

President Grant has not yet made up his mind to decline the 3d term. He has not heard the thunder.

CASH Advances on Consignments, and Check for balances accrued as Goods are sold.

Sept. 18, 1874. Gm.

W. ALEX. BASS & CO., NEW YORK.

RICHMOND, VA.

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RICHMOND, VA.

W. ALEX. BASS & CO., NEW YORK.

The Hillsborough Recorder

Wednesday, Nov. 11, 1874.

Price, 25 cents.

Terms of the Recorder for 1874.
For 1 year. \$2.00.
6 months. \$1.00.
Payments always in advance.
Job-printing done mostly cheaply and
promptly.

See fourth page back for Ads and interesting reading matter.

The Mail train now passes over the whole length of the N. C. R. R. on Sundays. Travellers will take notice.

Crofton has a full supply of Chairs of all kinds, with racing chairs to match.

See advertisement of Sale of land by John L. Harris, Sheriff of Person County.

See Reward by Commissioners of Orange County for the detection of incendiaries.

The occupation of our paper this week by Court proceedings, and Convention meeting &c., excludes all else. General readers will please excuse.

If you want the best Wool rolls in the State, call at J. M. Blackwood's. He can supply you.

Weather for the past fortnight has been uninterrupted beautiful.

The Superior Court was constituted late the second week of the term. Several important cases impossible to notice now for want of space will be referred to next week.

Case of Judge Ward.

This case was argued before the Court last week, and a decision adverse to the plaintiff was given by Judge Kerr. An appeal to the Supreme Court was taken. We will publish the opinion next week together with an abstract of the arguments.

Convictions and Sentences.

At the present term of the Superior Court of Orange, the following prisoners were convicted of the offences charged and sentenced as follows:

Anderson Womble, col. assault on Green Cooper, col. guilty; six months in county jail.

William Robertson, col. larceny of cloth, guilty; 3 years in Penitentiary at hard labor.

Sam Canada, col. larceny of safe key, guilty; 3 years in Penitentiary at hard labor.

William Williamson, col. larceny of horse, guilty; 10 years in Penitentiary.

Jordan Evans, co., aslant on Joe Bass with intent to kill, guilty; Fine of twenty five dollars, and 3 years imprisonment.

Augustus Perkins, white, larceny of books &c., pleads guilty. Judgment suspended on payment of costs.

The bar of Orange presented an unusual display of legal talent during the term of the Court. Besides our own members of the profession, there were present the Hon. Mr. Marshall of Richmond, Messrs. W. H. Smith, J. B. Hatchelor and S. A. Ashe, Raleigh, J. M. McCorkle, Salisbury; Clement of Davie; Keogh, Guilford, York and Moring of Chatman, J. A. Graham of Alamance and Z. P. Dickey of Caswell.

There were also present, Hon. W. A. Graham, and Messrs. J. W. Norwood, F. N. Weddell, H. K. Nash, J. W. Graham, F. R. Strayhorn, Thomas Webb, and C. E. Parish, of Hillsboro and Messrs. Alexander, Jones Watson, and J. M. Mason, of Chapel Hill, and S. H. Webb, of Hillsboro.

Col. A. N. B. Ford, President of the R. & D. R. R. Co. was present on Thursday.

Convention Meeting.

At a meeting of the citizens of the County of Orange, held in the Court House in Hillsboro on Tuesday the 3rd inst. Mr. John W. Norwood was called to the chair and John D. Cameron appointed Secretary.

Upon taking the chair, Mr. Norwood said, that seeing a number of eminent gentlemen present from whom full expression might be expected, he would confine himself to a few brief remarks, and dwell upon only one or two points. And first the importance of using the present opportunity to call a Convention. It was a golden one which might never return. It was our special duty to call it now. He dwelt upon the expense necessary to carry on the State Government under the present constitution. The condition of the people did not enable them to bear this extravagant system, and it must of necessity be made more simple and economical. If nothing else were done, the mere abolition of the heavy expenses of the township system would justify the calling a Convention. He thought a Convention would be composed of the best men of both parties who would work harmoniously. They were now more nearly in accord on the great subject of State interest than for many years. They might be expected to furnish instrument which, for a long time to come, would settle the true principles of the constitution. Of course no changes would affect the law amendments to the constitution of the U. S. and thought no one could be found who desired to make such change. And it was to be assumed that the work of the Convention would be submitted to the people. But he would detain the meeting no longer.

At the conclusion of Mr. Norwood's remarks, it was moved that a committee of five be appointed to prepare and submit to the recorder resolutions expressive of its sentiments.

The other appointed the following gentlemen: John W. Graham, Dr. T. Jones, John D. Cameron, Jonathan Nichols, and Peter Clark. The committee retired, and George W. Graham the Hon. W. A. Graham was called upon, and addressed the meeting at length, using with great force of argument and illustration the rights of the, and necessity of calling a Convention.

The meeting adjourned, and passed the following resolutions and resolutions:

Whereas the Constitution under which we are now living was formed by persons who had not the interest of the people of the State at heart, was badly conceived and is ill adapted to the wants and habits of our people, is burdensome in its requirements and entailing unnecessary expense upon our citizens, is hard to understand, and in some instances, has necessitated legislation by the Judiciary, in order to make it intelligible.

And whereas, The two thirds majority of each Branch of the General Assembly may call a Convention of the people to alter and amend the Constitution.

And whereas, The Conservative Democratic party is known to have a majority of two thirds in each branch of the incoming Legislature, a party that has gained its present ascendancy in the councils of the state, by its profound reform and its earnest desire to correct abuses and diminish expenses.

Therefore be it Resolved:

1st. That in our opinion, an alteration of our Constitution in many essential particulars is necessary to our happiness, and to secure a more economical administration and regulation of the internal government of the State in its various departments, and just accountability on the part of its officers.

2d. That having assembled together to consult for our common good, we are applying to the Legislature for redress of the grievances imposed on us by a Constitution, and upon the adoption of which, many of our best citizens were deprived of their birth-right of suffrage. And we do instruct our Representatives that a Constitution, the makers whereof were prejudiced or ignorant, is not one tamely to be submitted to by the freemen of North Carolina.

3d. That the wisdom of our ancestors in declaring that "elections shall be often held" has been exemplified in the tendency of the long term of four years for Executive officers to render them indifferent to the wishes of the electors, and disposed to trample on their rights.

4th. That we cannot appreciate the force of the plea urged for an acquiescence in admitted grievances, or be soothed by the apprehension born of timidity, but knowing our rights, we dare maintain them, and place our reliance in overcoming difficulties by facing them, and not shutting our eyes upon them.

5th. That we disclaim any intention or wish to see the benevolent provisions contained in the present Constitution in regard to the Homestead and the exemption of the property of unfortunate debtors from execution abolished or in any way abridged, but we urge that the same, thereto be enlarged to a few simple and rendered more secure to those dependent upon the owner thereof for protection.

VI. That we have no desire to deprive the colored people of any rights conferred on them by the various amendments or which the laws now give them, and only insist that in the enjoyment of the fruits of our own labor and in the pursuit of happiness, we should be left unmolested.

VII. That we do favor a change in our form of government by a Convention of the people in pursuance of law, rather than Legislative enactment, and insist that the enumeration of rights given to the Legislature as specified in the present constitution "shall not be construed to impair or deny others retained by the people and that all powers not delegated, remain with the people."

Mr. John W. Graham supported the resolutions in a few able remarks. He thought our Representatives in the Legislature should be instructed to obtain the needed changes in the constitution by a Convention; if not by that, by the best mode possible. The amendments hitherto regarded as adopted were not yet decided to be valid. The present Constitution had only been regarded as temporary in its character, only one means of getting back in the Union. There might be a difference of opinion among us, but we had the right to give expression to our views. Mr. Graham moved that these resolutions be adopted as the sentiments of the meeting, which was carried unanimously. The hour for the re-assembling of the Court having arrived, the meeting adjourned.

JOHN W. NORWOOD, CHM.

JOHN D. CAMERON Sec.

Case of Thomas Webb against the Richmond & Danville Co. and North Carolina Railroad Co. and others.

This case came on to be heard at 10 o'clock on Thursday morning. Messrs. W. H. Smith, J. B. Hatchelor, and W. A. Graham appeared for the plaintiff, and Hon. H. H. Marshall of Richmond Va. and S. A. Ashe Esq. represented the defendants.

The R. & D. R. R. Co. by their Counsel moved to transfer the cause to the U. S. Circuit Court for the Western District of North Carolina, under the Act of Congress of July 27th 1868. The Act was read, and Mr. Marshall in a few clear and able remarks opened the case.

The Hon. W. A. Graham replied, that the Act did not apply to this case, explaining it to apply in cases where citizens of a State are in hostility to the government might transfer their cause to the Courts of the United States. He contended that the Act of 1867 superseded that of '66, and that a removal could only be made upon affidavit setting forth the existence of a prejudice which would prevent a fair adjudication of his cause.

Judge Marshall rose to explain his position, and contended that the petition was filed under the Act of '66, which did apply here, and which Act was only amended, not repealed by the Act of '67. He insisted that the defendants came within the terms of the Act, and no affidavit was necessary. The Act of '67 was cumulative. Corporations created by the laws of Virginia were

citizens of that State by force of the Act of 1789, and cited authorities on that point.

Mr. Hatchelor on behalf of the Plaintiff followed, maintaining the same views as Gov. Graham.

Gov. Graham admitted, using that the Courts of the general Government are of limited jurisdiction. They derive their authority from Congress; that corporations operating in a state other than that state which creates them, are subjects of that State. The judgment asked is one declaring the contract between the defendants void. The cause cannot be removed on the part of the defendants. Wherever the cause goes, the whole must go, as there can be no separate judgment as to one. The gravamen of the action is, that the one party was incapable of making the lease, and the other of taking it.

Hon. W. N. H. Smith followed for the Plaintiff, and urged that both parties were interested in a decision by this Court. That the Act of '66 was amended by that of '67, which requires an affidavit of prejudice for the removal of the cause by a non-resident. When two defendants were united so as interest as to present a separate decision, one cannot remove. Cited the case of *Harris vs Lockhart* 17 Wallace. This case is not separable. It must proceed against both defendants. It is brought by the plaintiff in his behalf and that of others, who contend that the lease was *ultra vires*, and sought to restrain both defendants. There could not be separate suits against them. In a cause now pending before the Supreme Court of North Carolina on similar cause of action, against the R. & D. R. R. Co., the Court required the N. C. R. R. to make a party before a final decision could be rendered. If the lease was declared void, it affected both parties. The decree must be uniform. If the case goes into the Federal Court on behalf of the R. & D. R. R. Co., and that Court declares the lease void as to the lessor, and this Court declare it valid as to the lessee, which decree would be binding. The case cannot proceed if the N. C. R. R. is not a party. The interests of the defendants are mixed, and the Court cannot separate them. All parties must be before the Court. It transferred to the Federal Court, the N. C. R. R. Co. will not be there. All the defendants must be non-residents, otherwise the case cannot be removed. He cited the Sewing Machine case, 18 Wallace.

Mr. J. B. Hatchelor also for plaintiff contended that the Constitution of the U. S. created the Supreme Court alone; the Circuit Court was created by Act of Congress, and has concurrent jurisdiction with the State Courts. This notice cannot be granted without affecting the rights of plaintiff. He read the prayer of the complaint showing that relief is prayed against both corporations. Both companies will be affected by the decree. If it is transferred as to the Richmond & Danville R. R. and kept here as to the N. C. R. R. and the Courts differ in their judgments which is to be obeyed? It will be impossible to make a final adjudication by either Court.

Mr. Ashe, on part of defendants, contended 1st that Corporations were citizens; 2nd, that affidavit for removal was not necessary; and 3rd, that severance could be made without prejudice. That the Federal Courts did not regard the citizenship of the separate corporators, but of the principal office of the company itself. He read and commented upon the Acts of 1789 and of '66 and '67, and urged that a petition alone was necessary under two former Acts for the removal of the cause, and the Act of '67 was only an addition to and not a repeal of said Acts, and only applied to certain cases. This petition was filed under the Act of '66 and not of '67. Act of '66 allows a citizen of one State, when joined with one of another to remove his cause by petition. Act of '67 denies the right; cited and commented on the Sewing Machine case, and urged that that decision was made under the Act of '67 and that the Act of '66 is still in force, *pro proprio.* As to the severance he contended that the real parties to the action are entitled to claim it, though joined with nominal parties—that the joinder in this case is not indispensable for the purposes of the action or for judgment. That the N. C. R. R. is a mere nominal defendant, and the case can be decided without prejudice to it. The prayer of the petition is that the lease be surrendered at the instance of one of the corporators.

Judge Marshall followed for the defendants—insisted upon the right of removal under the Act of Congress. He contended that the case came under the Act of '66 and not of '67—refers to the laws laid down in 18 Wallace in regard to the Sewing Machine case—the jurisdiction of the circuit Court depends on the jurisdiction of Congress. Courts made by Statute, have such jurisdiction only as is conferred by the Statute. The Act of '66 makes it the duty of this Court to transfer the cause; that Act is still in force, except as amended by that of '67. He contended they had a right to come into Court by petition, and not be required to file an affidavit. When it is prayed that a party be enjoined or restrained, he can proceed under the Act of '66. The Act of '67 nowhere touches on that kind. The plaintiff does not allege that the N. C. R. R. intended to change gauge, but only the R. & D. R. Co. No argument of inconvenience can be urged. We rely on the Act of Congress literally as it is written. No decision in the Courts can be found to break its force.

Judge Kerr overruled the motion for removal, stating that the plaintiff had not made a case under the Act of '67, which qualified the Act of '66. Cause was then continued on motion of the defendants,

until the next term of the Court, they paying the costs of this term.

For the Recorder,

Orange County Council, Patrons of Husbandry,

The Council met in the Hall of Hillsboro Grange on the 3rd Inst according to adjournment.

As many members of the Council were in attendance upon the Court as Jurors and witnesses, it was deemed best to adjourn to some future day. On motion the Council adjourned to meet on the 20th day of November. The Secretary was instructed to write to the Masters of Grange not represented, and request them to appoint delegates to the Council. A full attendance is earnestly desired as business of much importance to the order will be transacted.

By order of the Master.

A. W. GRAHAM SECY.

That Same Old Room.

There must be a strong association between men and policies. The convulsion of last week brought out the typical representatives of the days of 1840 in force. One of our compositions and our devil in most of us on Saturday, no doubt brought out into day-light by the stirring events of the week.

DEATH OF WILLIAM HUNTINGTON.

We have just learned of the death of this gentleman which took place in Marion Aia on the 27th of October.

Mr. Huntington was born in Hillsboro on 8th day of Sept. 1792, and was at the time of his death aged 82 years 1 month and 19 days. We will give a more extended notice next week.

LOOK FOR NOVEMBER AND DECEMBER!

M. DAVID C. PARKS is now in New York buying for us.

SECOND STOCK

OF

winter Goods

Boots, Shoes, Clothing,

Calicoes, &c.

We are looking for ONE HUNDRED Pieces NEW STYLE Winter Calicoes at 10c. for Best Grades.

We are opening to-day a New Stock of Ladies Hats, Bonnets, Plumes

and Ribbons.

We have all the New Patterns of Hats, Frames, Velvets &c.

WILLIAMSON UPCHURCH & THOMAS.

Sept. 16th 6m. Agents for Oak City Mills.

"SHORT SETTLEMENTS MAKE LONG FRIENDS."

HAVE on my BOOKS since 1864, many open accounts. Under present circumstances, it would be a great help to receive what is due me. You know if you are in debt to me. PLEASE CALL AND SETTLE.

Am receiving

NEW GOODS

Daily, and expect a continuation of the very liberal patronage extended. Now is the time to HELP ONE who has always HELPED those in NEED.

HENRY N. BROWN.

Sept. 16 1874.

B. P. WILLIAMSON, W. G. UPCHURCH, A. J. THOMAS.

53 Fayetteville Street,

RALEIGH, N. C.

WHOLESALE

Grocers, Cotton Factors

AND

General Commission Merchants.

WE are now receiving

2000 Bolls heavy Cotton Bagging,

50 Hales Gunny Bagging.

2000 Yards Dandee Cotton Bagging.

1200 Bundles Cotton Ties.

1000 Pounds Bagging Twine.

Hillsborough Recorder.

WEDNESDAY.....NOV. 11. 1874.

THE RECORDER.

PUBLISHED EVERY WEDNESDAY, BY

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At \$2 00 per annum, or \$1 00 for six months—in
variably in advance.

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ORGAN CO., Boston, New York, and Philadelphia,
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various illustrations, and agents are meeting with
unprecedented success. Address, stating expe-
rience, etc., and we will show you what our
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MA at CHICAGO, Paris, and Paris, 1867;
now offer the FINEST ASSORTMENT of the
Best Organ COLUMNS in the WORLD, including
new styles with recent improvements, not
only exclusively for US, as formerly, but also
on NEW PLANS of EASY PAYMENTS, the most
favorable ever offered. ORGANS RENTED
with Privileges of PURCHASE, to almost any part of
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MASON & HAMLIN ORGAN CO.,
Boston, New York or Chicago.

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They know the establishment of such a
Government would do more than any thing
else to build up and develop the material
resources of the South,—which is now the
master-question in American politics, and
the one upon which the future of American
Finance so intimately depends—and that
in such an effort they could have the sup-
port of two-thirds of the people of the
North.

But I have trespassed too long and must
conclude. The people under the teachings
of the Conservative party have been led to
examining this Constitution and they have
examined it well and thoroughly. Their
judgment has been made up in regard to it,
and unequivocally expressed. It was
imposed upon us by force; we look on it
as a badge of servitude. It was the work
of needy adventurers; ignorant of political
science; intent only on plunder and office;
no wonder, then, if on the one hand we
find clauses which, if carried into effect,
would confiscate the property of our citi-
zens; and on the other, clauses which,
craftily inserted for the purpose of securing
a long tenure in the first office-holders,
have plunged our whole political system
into confusion and uncertainty. It is well
known that a capital provision of this Con-
stitution is the boasted achievement of a
shameless and successful fraud as one of
the results, we have exhibited to the world
the scandalous spectacle of rejected judges
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it gives to one man the power which
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the fountains of justice by obstraining
the feelings of the man into the office
of the magistrate. It has set aside every
safeguard for purity of suffrage—that sheet
anchor of republican institutions—to sub-
serve partisan ends.

It has manacled the hands of the Legis-
lature in regard to matters where action
is essential to prosperity and progress. It
has engendered and kept alive a constant
strife between the several departments
of the Government; the boundary line be-
tween law making and Executive branches
of our Government is yet undefined after
years of litigation. But enough;—the
verdict of the people is, as I said, made
up. This Constitution is an offence to us
and we do not intend to live under it. We
intend to invoke that power, which none
on this continent disputes, the mighty,
the irresistible power of the people,—
confront and drown the evils which assail us.
In the might and majesty of the people
we intend to meet in Convention, and
lay down anew the foundations of our
Government, to lay them down in truth,
justice and equity. To the timid and fal-
tering, who aspire to lead opinion on this
subject; we say, contumely but firmly
"Stand aside; give way to men of deeper
conviction and stronger faith in the capa-
city of the people for self-government.
To the members elect of the Assembly we
say: the people have been invoked to send
to the Legislature a representation which
would enable it to take steps for complete
and thorough reform. We have done so;
your majorities are ample. It now
rests with you, to redeem the pledges
which have been given; to vindicate the
good faith and consistency of the Conserva-
tive party. You have it in your power to
secure to the State a long career of peace
order and constitutional regularity. Can
you find in your hearts a nobler incentive
to action? You can open up to our State
a new era of existence, an era fraught with
hope and promise. Can you withhold
such a future from us as a people? There
will be many who will shrink back and cry
out that there is danger and will clamor
for delay. In answer we beg to remind
you of the saying. "That omnipotence it-
self cannot help those who neglect opportu-
nities." All that Providence affords in
the course of its dealings, is opportunity,
and the man or the party that neglects it,
is stranded and lost.

PIEDMONT.

In the case of a Kansas man being struck
by lightning the coroner's jury rendered a
verdict: "He was killed by the Lord, but
the Lord is all right."

"Is that your offspring, madam?" asked
a Missouri judge of a woman who had hold
of a stub-nosed boy's hand. "No, sir,"
she replied, "this is my oldest boy."

"Don't prevaricate, air!" thundered
Judge Shell, to a witness. "Can't help it."
Judge, answered the youth. "Ever
since I got a kick from a mule, that knocked
my tooth out, I prevaricate a good deal."

The gallant secretary of a life insurance
company, being in command of a platoon
during the late unpleasantness, struck up
the gun of one of his men about to fire on a
staff officer, with the exclamation, "Don't
shoot my tooth out, I prevaricate a good deal."
—New Orleans Republican.

THE MASON AND HAMLIN

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MA at CHICAGO, Paris, and Paris, 1867;
now offer the FINEST ASSORTMENT of the
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They know the establishment of such a
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resources of the South,—which is now the
master-question in American politics, and
the one upon which the future of American
Finance so intimately depends—and that
in such an effort they could have the sup-
port of two-thirds of the people of the
North.

But I have trespassed too long and must
conclude. The people under the teachings
of the Conservative party have been led to
examining this Constitution and they have
examined it well and thoroughly. Their
judgment has been made up in regard to it,
and unequivocally expressed. It was
imposed upon us by force; we look on it
as a badge of servitude. It was the work
of needy adventurers; ignorant of political
science; intent only on plunder and office;
no wonder, then, if on the one hand we
find clauses which, if carried into effect,
would confiscate the property of our citi-
zens; and on the other, clauses which,
craftily inserted for the purpose of securing
a long tenure in the first office-holders,
have plunged our whole political system
into confusion and uncertainty. It is well
known that a capital provision of this Con-
stitution is the boasted achievement of a
shameless and successful fraud as one of
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the scandalous spectacle of rejected judges
elamoring from Court to Court for a seat
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But I have trespassed too long and must
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